

**Title 9--DEPARTMENT OF  
MENTAL HEALTH  
Division 45--Division of *[Mental  
Retardation and]* Developmental  
Disabilities  
Chapter 3—*[Care and Habilitation]* Services and Supports**

Note to reviewers: The changes proposed in the original draft amendment dated 7/28/2015 are showed in the format required by the Secretary of State for rule making. Text to be deleted is showed in brackets and italics: *[deleted text]* New text is shown in **bold**.

Revisions recommended by reviewers are shown in this updated draft using track changes so that reviewers may compare the original proposed amendment to the updated version. Track changes will show text to be deleted in strike-through, red font (~~deleted text~~) and text to be added in **bold and underlined** red font.

**9 CSR 45-3.030 *[Individualized Supported Living Services]*--Individual Rights**

**Purpose:** *This amendment broadens the rule to apply to all individuals eligible for division services and updates the rule with more current terminology in the field of developmental disabilities.*

PURPOSE: This rule assures the rights of ~~persons--individuals~~ *[receiving individualized supported living]* **eligible for services from--served by** the division of developmental disabilities.

*[(1) Each individualized supported living provider shall have policies and procedures that enhance and protect the human, civil and statutory rights of all individuals served.]*

*[(2)]* **[1]** All *[persons receiving individualized supported living services]* **individuals eligible for services from the division of developmental disabilities** shall be entitled to the following rights and privileges without limitation, **unless otherwise stated by law:**

(A) To be treated with respect and dignity as a human being;

(B) To have the same legal rights and responsibilities as any other citizen, ~~unless otherwise stated by law;~~

(C) To receive services regardless of race, creed, marital status, national origin, disability, **religion, sexual orientation**, or age;

(D) To be free from physical, ~~and~~ verbal, **and emotional** abuse, **and to be free from financial exploitation;**

(E) To receive *[appropriate]* services and supports **to achieve the maximum level of independence;**

(F) To have *[reasonable]* access to **all** rules, policies, and procedures *[pertaining to services and supports provided by the agency]* **governing the operations of the division of developmental disabilities, and to have those rules, policies and procedures explained in a manner that is easily understood, and provided in accessible formats;**

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

(G) To have a choice where to live and whether or not to share a home with other people, within one's financial means;

(H) To direct one's own person-centered planning process and to choose others to be included in that process;

(I) To participate fully in the community;

~~(I J)~~ To use the telephone, internet, or other forms of contact to communicate and privacy of communications with people;

~~(JK)~~ To accept supports and services, or not to accept supports and services;

(L) To have freedom of choice of providers;

~~(MK)~~ To seek employment at competitive wages in non-segregated settings; ~~or not to work~~

~~(NL)~~ To participate in any study or experiment, or not to participate in any study or experiment;

~~(OM)~~ To choose where to go to church or place of worship, or to choose not to go to church or place of worship;

[(G)] ~~(NP)~~ To have **rights**, services, supports and clinical records regarding services explained in a manner that is easily understood and in accessible format; [and]

[(H)] ~~(OQ)~~ To have [clinical] **all** records [regarding services] maintained in a confidential manner ~~as required by the federal Health Insurance Portability and Accountability Act of 1996-;~~

(RP) To report any violation of one's rights at any time and under any circumstances; free from retaliation and without fear of retaliation; and

(QS) To be given information about how to and assistance, if requested, to make an inquiry, file a complaint or report a violation of one's rights.

(2) Adults who do not have a legal guardian have the right to designate a representative.

(3) Individual rights may not be restricted without due process. No provider of targeted case management or provider of home and community-based services may restrict rights of any individual without due process.

[(3) An individual receiving services or his/her parent, guardian or authorized representative shall be informed of his/her rights in language that is easily understood.

(A) At the time of enrollment and anytime changes are made to the description of rights, the provider agency shall give each individual or his/her parent, guardian or legal representative a written description of the individual's rights and how to exercise them.

(B) Individualized supported living providers shall read and explain the description of rights to individuals who require assistance because they are unable to read or do not understand the written description.

(4) Each provider shall have policies and procedures for the behavioral management of individuals served.

(A) Provider staff shall deal with disruptive, destructive and inappropriate behaviors by providing information, instruction and guidance on appropriate and acceptable behavior.

(B) Behavior management shall be conducted in a manner that does not demean the individual but rather promotes and builds positive growth, controlled behavior and positive self-image.

Formatted: Font: Bold

Draft 11/4/2015

*(5) Each individual shall be given the name, address and phone number of the department's client rights monitor and informed that the client rights monitor may be contacted regarding complaints of abuse, neglect or violation of rights.]*

AUTHORITY: section 630.050, RSMo (1994).\* This rule was previously filed as 9 CSR 30-5.040. Emergency rule filed Aug. 4, 1992, effective Sept. 1, 1992, expired Dec. 29, 1992. Original rule filed Aug. 4, 1992, effective Feb. 26, 1993. Amended: Filed May 25, 1995, effective Dec. 30, 1995.

\*Original authority 1980, amended 1993.

DRAFT